

REMARKS

Claims 1-4 are pending in the present application.

Claims 1 and 3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,218,587 to Nomiyama (hereinafter “Nomiya”) in view of U.S. Patent No. 5,331,615 to Yamada (hereinafter “Yamada”). Claims 2 and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nomiya and Yamada and further in view of U.S. Patent No. 4,037,252 to Janssen (hereinafter “Janssen”). Applicant respectfully disagrees with these rejections for the reasons set forth below.

In support of the rejection of claim 1, the Examiner points to column 10, lines 14-66 and FIGs. 1, 7 and 8 of Nomiya as disclosing “[c]ontrolling means for performing seek control for moving said optical pickup to a target track on the optical disc and focus servo control of said optical pickup according to a detected focus error signal and a transfer function.”

At column 10, lines 14-66 of Nomiya, however, there is no description concerning a focus servo control according to a “transfer function.” In fact, in the cited portion, a “transfer function” is not even mentioned.

The Examiner also points to column 9, lines 10-52 of Nomiya for “[a]transfer function holding means for holding a first transfer function for executing focus servo as a function of the seek control.”

While the term “transfer function” is mentioned in this portion of Nomiya, this portion is directed to Laplace transforming the motion equations of the movable focus adjusting member (p) and the carriage member (s) so as to derive “a transfer function of a displacement of the movable focus adjusting member (p) in response to a seek drive force.” Hence, the “transfer function” discussed in Nomiya has nothing to do with that of the present invention which is for performing a focus servo control. The “transfer function” discussed in Nomiya is directed to equations for seeking a cause of resonance that occurs between the aforementioned members (p, s), not, in

contrast to the claimed invention, for performing a control operation. As such, the apparatus of Nomiyama would have no need to have a “transfer function holding means,” as required by claim 1.

The Examiner goes on to assert that Yamada discloses “[a] first transfer function for executing focus servo when said controlling means does not perform said seek control, and a second transfer function for executing focus servo when said controlling means performs the seek control [col. 6, line 60 to col. 7, line 5].” This issue has already been addressed in our response to the previous Office Action. In Yamada, a focus servo control is not performed. Moreover, in Yamada, a transfer function of a tracking control digital filter 32 is changed during a seek operation, when tracking control is inoperative. The stated reason for this is because the output of the digital filter does not change smoothly when its transfer function is changed.

According to the claimed invention, however, a first transfer function for executing focus servo is used when seek control is not performed, and a second transfer function is used when seek control is performed.

Moreover, whereas a transfer function is used in Yamada for tracking control, in it the present invention it is used for focus control.

Accordingly, for the foregoing reasons, independent claims 1 and 3 are not rendered obvious by the Examiner’s proposed combination of Nomiyama and Yamada.

With respect to the rejection of dependent claims 2 and 4, Janssen does not overcome the above-discussed deficiencies in the teachings of Nomiyama and Yamada. As such, even if there were some motivation to make such a three-way combination, no such combination could render claims 2 and 4 obvious.

It is noted that the Examiner did not consider Japanese Patent reference No. 08-273171 A1 submitted by Applicant in an Information Disclosure Statement dated August 17, 2004. The Examiner has indicated that no translation has been provided. Applicant kindly directs the Examiner to page 11 of the 13-page reference which includes an English abstract, providing a

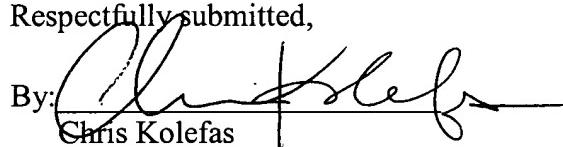
concise explanation of the reference. As Applicant has confirmed, this can also be obtained by accessing the PAIR system. As such, it is respectfully requested that the Examiner consider the aforementioned reference.

In light of the foregoing, the present application is in condition for allowance. A Notice of Allowance is therefore earnestly solicited.

Dated: May 10, 2005

Respectfully submitted,

By:



Chris Kolefas

Registration No.: 35,226

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant